

EXHIBIT 3

FISH & RICHARDSON P.C.

1717 MAIN STREET
SUITE 5000
DALLAS, TEXAS
75201

Telephone
214 747-5070

Facsimile
214 747-2091

Web Site
www.fr.com

Neil J. McNabney
214 292-4051

Email
mcnabney@fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

July 21, 2011

VIA FEDERAL EXPRESS

Honorable Magistrate Judge Chad Everingham
U.S. District Court for the Eastern District of Texas
101 East Houston Street
Marshall, Texas 75670



ATLANTA

AUSTIN

BOSTON

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NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Re: *GeoTag, Inc. vs. Georgio Armani S.P.A., et al.*
Aromatique, Inc., et al.
Gucci Am., Inc., et al.
Starbucks Corp., et al.
Rent-A-Center, Inc., et al.
The Western Union Co., et al.
Royal Purple, Inc., et al.
Yakira, LLC, et al.
Where 2 Get It, Inc., et al.

Case No. 2:10-cv-569-TJW
Case No. 2:10-cv-570-TJW
Case No. 2:10-cv-571-TJW-CE
Case No. 2:10-cv-572-TJW
Case No. 2:10-cv-573-TJW-CE
Case No. 2:10-cv-574-DF-CE
Case No. 2:10-cv-575-TJW
Case No. 2:10-cv-587-TJW
Case No. 2:11-cv-175-DF

Dear Judge Everingham:

On Friday, July 15, 2011, the Court noticed a Scheduling Conference in Case No. 2:10-cv-574, *GeoTag, Inc. v. The Western Union Co., et al.* (the "574 Action"). (Dkt. No. 323). At present, the Scheduling Conference in the 574 Action is set for August 9, 2011 in your courtroom.

None of the other above-captioned GeoTag Actions, however, have yet been set for conference. In addition, only three of the nine GeoTag Actions have been referred to your honor for pre-trial proceedings. All of the above-captioned GeoTag Actions, however, relate to the same asserted patent (U.S. Patent No. 5,930,474) and relate to similar technology on Defendants' accused websites (*see* Moving Defendants' Joint Motion to Stay, 574 Action Dkt. No. 302).¹

Because all nine GeoTag actions involve a single patent and similar accused technology, Defendants Best Maid Products, Inc., Live Nation Worldwide, Inc., PIP, Inc., Southern States Cooperative, Steelcase, Inc., Ticketmaster LLC, and Winn-Dixie Stores, Inc. (all named Defendants in the 574 Action) (collectively, referred to herein

¹ Two earlier filed cases involving the same patent but dissimilar accused technology are also currently pending before Judge Ward. *See GeoTag Inc. v. Frontier Commc'ns Corp., et al.*, Case No. 2:10-cv-265-TJW and *GeoTag Inc. v. Yellowpages.com LLC*, Case No. 2:10-cv-272-TJW.

FISH & RICHARDSON P.C.

Honorable Magistrate Judge Chad Everingham
July 21, 2011 Page 2

as "Defendants") believe that a single *Markman* proceeding for all nine actions is likely in the best interests of all parties as well as the Court. As such, Defendants believe a single schedule governing all nine of the above-captioned GeoTag Actions through *Markman* proceedings is preferable.

Accordingly, Defendants respectfully request that the Scheduling Conference in the 574 Action be postponed until such time as all of the above-captioned GeoTag Actions may be assigned to a single presiding judge and all are ready for a consolidated Scheduling Conference. Defendants would also respectfully request that the Court postpone any scheduling conference in the above-captioned cases until such time as Moving Defendants' Joint Motion to Stay is ready to be heard by the Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil J. McNabney', with a long horizontal flourish extending to the right.

Neil J. McNabney

NJM/mab.

cc: (via electronic mail)
Counsel of Record in Case No. 2:10-cv-574